

REMARKS

This application is currently under appeal to the USPTO Board of Patent Appeals and Interferences. A Notification of Non-Compliance with 37 C.F.R. § 1.192(c) was mailed on September 17, 2004, regarding Applicant's Appeal Brief filed July 6, 2004, and the mentioned Interview was conducted thereafter. The Interview was held between Applicant's representative and Supervisory Patent Examiner Jill Warden. The following remarks are in compliance with M.P.E.P. § 713.04.

During the Interview of September 27, 2004, Applicant (or Appellant) argued that the filed Appeal Brief was proper and in full compliance with 37 C.F.R. § 1.192. Applicant further requested vacation of the Notice of Non-Compliance mailed 09/17/04. Thereafter, SPE Warden agreed to withdraw the Notice and accept the Appeal Brief. SPE Warden further stated that the "Status of Amendments" and "Statement of the Issues" sections of the Appeal Brief were lengthy. Applicants responded by stating that the sections still complied with the rules. SPE Warden also agreed that the Appeal Brief's Grouping of Claims and the Arguments in support thereof did represent an adequate format and that the Examiner had misinterpreted the requirement. The requirement has been vacated and the Appeal Brief has been accepted.

Application No. 09/381,828

Art Unit 1743

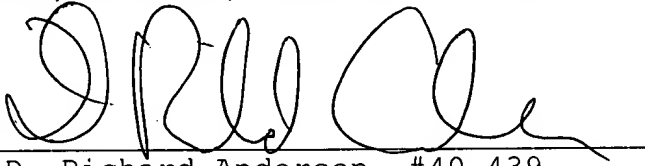
Substance of Interview

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
D. Richard Anderson, #40,439

⁴
DRA/ETP
2964-0102P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000